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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,027	03/06/2002	Kazuo Kuroda	Q68837	6418

23373 7590 03/07/2007
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EXAMINER

DANG, HUNG Q

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/091,027	KURODA, KAZUO	
	Examiner	Art Unit	
	Hung Q. Dang	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :05/14/02,
01/30/04, 08/27/04, 01/16/07.

DETAILED ACTION

Response to Amendment

The JP 2000-216988 reference cited by applicant dated 01/06/2007 is considered in this office action.

Objection to IDS is withdrawn.

Rejection of claim 6 under 35 U.S.C. 112 is withdrawn.

Rejections of claims 29-34 under 35 U.S.C. 101 are withdrawn.

Response to Arguments

The newly added limitations have been fully considered and rejected in this office action under new ground of rejections.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (US Patent 6,430,291) and Kori et al. (US 2005/0086488).

Claims 1 and 14 recite a duplication controlling method for controlling duplication by embedding an electronic watermark and a recording medium having an electronic watermark indicating control information regarding duplication into contents comprising digital information and detecting the electronic watermark before the duplication is executed, wherein the electronic watermark includes change position information

indicating a change position of contents of the control information; wherein the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded.

Ogino et al. disclose a duplication controlling method for controlling duplication by embedding an electronic watermark and a recording medium having an electronic watermark (column 9, lines 30-40) indicating control information regarding duplication into contents comprising digital information (column 14, lines 43-48), wherein the electronic watermark includes change position information indicating a change position of contents of the control information (column 6, lines 36-56).

However, Ogino et al. do not disclose detecting the electronic watermark before the duplication is executed and wherein the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded.

Kori et al. disclose detecting the electronic watermark before the duplication is executed ([0053], [0086], [0092]) and wherein the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded ([0061]-[0064], ([0053], [0086], [0092])).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the features of detecting the watermark before recording wherein watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded as taught by Kori et al. into the duplication method taught by Ogino et al. to remove the unnecessary step of deleting the

recordings if recording is prohibited. Such doing would increase processing time and efficiency of the method.

Claim 7 recites a duplication controlling apparatus for controlling duplication by embedding an electronic watermark indicating control information regarding duplication into contents comprising digital information, comprising: (1) an embedding device for embedding the electronic watermark into the contents, (2) a detecting device for detecting the electronic watermark before the duplication is executed; wherein: (3) the electronic watermark contains change position information indicating a change position where the contents of the control information are changed; (4) the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded.

Ogino et al. disclose a duplication controlling apparatus for controlling duplication by embedding an electronic watermark indicating control information, comprising: (1) an embedding device for embedding the electronic watermark into the contents (column 6, lines 36-56), wherein: (2) the electronic watermark contains change position information indicating a change position where the contents of the control information are changed (column 6, lines 36-56).

Similarly, however, Ogino et al. do not disclose a detecting device for detecting the electronic watermark before the duplication is executed and wherein the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded.

Kori et al. disclose a detecting device for detecting the electronic watermark before the duplication is executed ([0053], [0086], [0092]) and wherein the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded ([0061]-[0064], ([0053], [0086], [0092])).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the detecting device for detecting the watermark before recording wherein watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded as taught by Kori et al. into the duplication controlling apparatus taught by Ogino et al. to remove the unnecessary step of deleting the recordings if recording is prohibited. Such doing would increase processing time and efficiency of the apparatus.

Claim 20 recites a duplication controlling apparatus ("system controller" in Fig. 2) for performing control in accordance with duplication-related control information embedded in contents comprising digital information, comprising: (1) an electronic watermark reading device for reading an electronic watermark; (2) a change position detection device for detecting a change position of the control information; and (3) a control device for modifying the processing of the duplication controlling apparatus when the change position is detected by the change position detection device, wherein: (4) the electronic watermark contains change position information indicating a change position of contents of the control information; and (5) the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded.

Ogino et al. disclose a duplication controlling apparatus for performing control in accordance with duplication-related control information embedded in contents comprising digital information (column 3, lines 37-40), comprising: (1) an electronic watermark reading device for reading an electronic watermark ("duplication inhibition information detection" in Fig. 3; column 7, lines 21-25); (2) a change position detection device for detecting a change position of the control information ("duplication inhibition information detection" in Fig. 3; column 10, lines 53-55); and (3) a control device for modifying the processing of the duplication controlling apparatus when the change position is detected by the change position detection device ("erasing control section" in Fig. 2; column 10, lines 53-67), wherein: (4) the electronic watermark contains change position information indicating a change position of contents of the control information (column 6, lines 36-56).

However, Ogino et al. do not disclose the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded.

Kori et al. disclose the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded ([0061]-[0064], ([0053], [0086], [0092])).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the using a watermark that indicates control information of contents subsequent to contents in which the electronic watermark is embedded as taught by Kori et al. into the duplication controlling apparatus taught by Ogino et al. to

Art Unit: 2621

detect the watermark before the duplication is executed and remove the unnecessary step of deleting the recordings if recording is prohibited. Such doing would increase processing time and efficiency of the apparatus.

Claim 25 recites the electronic watermark to contain contents information indicating the contents of the control information, which is started from the change position, and the control device modifies the processing in accordance with the contents information contained in the electronic watermark.

Ogino et al. disclose the electronic watermark to contain contents information indicating the contents of the control information, which is started from the change position (column 10, lines 34-40), and the control device modifies the processing in accordance with the contents information contained in the electronic watermark (column 12, lines 55-59).

Claim 26, 27, and 28 recite a reproduction device, a recording device, and a reception device being controlled by the control device.

Ogino et al. disclose a reproduction device ("recording/playback mechanical deck section" in Fig. 2), a recording device ("recording/playback mechanical deck section" in Fig. 2), and a reception device ("recording/playback signal processing section" and "anti-duplication control signal detection section" in Fig. 2; column 5, lines 27-32) being controlled by the control device ("system controller" in Fig. 2).

Claims 29 recites a computer-readable medium in which a program is recorded, the program causing a computer to execute an embedding processing of an electronic watermark indicating duplication-related control information into contents comprising

digital information, the program causing the computer to function as: (1) an inserting device and step for inserting change position information indicating a change position of contents of the control information into the electronic watermark; and (2) an embedding device and step for embedding the watermark into the contents; (3) a detecting device for detecting the watermark before duplication is executed; wherein (4) the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded.

Ogino et al. disclose a method, an apparatus to execute an embedding processing of an electronic watermark indicating duplication-related control information into contents comprising digital information (column 3, lines 37-40), and to function as: (1) an inserting device for inserting change position information indicating a change position of contents of the control information into the electronic watermark (column 9, lines 30-40); and (2) an embedding device for embedding the watermark into the contents (column 9, lines 30-40).

Hence, Ogino et al. disclose computer-readable medium in which a program is recorded, the program causing a computer to perform such functions.

However, Ogino et al. do not disclose functions of a detecting device for detecting the electronic watermark before the duplication is executed and wherein the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded.

Kori et al. disclose functions of a detecting device for detecting the electronic watermark before the duplication is executed ([0053], [0086], [0092]) and wherein the

electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded ([0061]-[0064], ([0053], [0086], [0092])).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the detecting device for detecting the watermark before recording wherein watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded as taught by Kori et al. into the duplication controlling apparatus taught by Ogino et al. to remove the unnecessary step of deleting the recordings if recording is prohibited. Such doing would increase processing time and efficiency of the apparatus.

Claims 2-4, 8-10, 15-17, 21-22, and 30-32 recite the change position information indicating an end and start position of the contents in which the electronic watermark is embedded, and indicating a position where the contents of the control information indicated by the electronic watermark containing this change position change to the subsequent contents.

Ogino et al. disclose the change position information indicating an end and start position of the contents in which the electronic watermark is embedded (column 6, lines 36-56), and indicating a position where the contents of the control information indicated by the electronic watermark containing this change position change to the subsequent contents (column 6, lines 36-56; column 10, lines 22-35).

Claims 5-6, 11-12, 18-19, 23-24, and 33-34 recite change position information indicating a plurality of change positions recorded as a table, and the table to contain

contents information indicating the contents of the control information, which are started from a plurality of the change positions.

Ogino et al. disclose change position information indicating a plurality of change positions, which include a start address position and an end address position, each of which is recorded as an entry to a table (column 6, lines 36-56), and the table to contain contents information indicating the contents of the control information, which is itself, which is started from the start address (column 6, lines 36-56).

Claim 13 recites a delivery device for delivering the contents having the electronic watermark embedded by the embedding device.

Ogino et al. disclose a recording medium, which is the delivery device, for delivering the contents having the electronic watermark embedded by the embedding device (column 4, lines 54-61).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2621

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

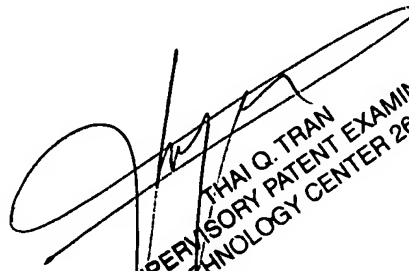
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang
Patent Examiner



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